

REMARKS

Claims 1-47 are pending in the present application. In response to the Office Action dated October 19, 2005, Applicant respectfully submits that pending claims 1-47 define patentable subject matter.

Applicant is filing concurrently herewith a One-Month Extension of Time, thereby extending the time to respond to the Office Action to February 21, 2006.

In the Office Action, claims 42-44 were objected to because of informalities. By this Amendment, Applicant has amended claims 42-44 in accordance with the Examiner's suggestions. It is respectfully submitted that amended claims 42-44 are proper.

Claims 1-2, 14-15, 17-20, 22-30, 32-33, 35-38 and 40-47 were rejected under 35 USC 102(b) as being anticipated by Remillard. Claims 13 and 31 were rejected under 35 USC 103 as being obvious over Remillard in view of Dugan et al. Claims 16 and 34 were rejected under 35 USC 103 as being unpatentable over Remillard in view of Merwin et al. Claims 31 and 39 were rejected under 35 USC 103 as being obvious over Remillard. Applicant respectfully traverses these rejections under 35 USC 102 and 103. As applied to the present claims, Applicant respectfully submits that these claims define patentable subject matter over the cited prior art for the following reasons.

By this Amendment, Applicant has amended each of the independent claims to clarify that the interactive system for receiving the user input is contained in the television's set-top-box. Specifically, the independent claims have been amended to recite a set-top-box that is in

communication with the television and that receives digital television services. The claims further specify that the set-top-box accepts the user input for triggering the communication with the user and a remote third party. Consequently, the present claims specify that the interactive system runs on the existing set-top-box.

The primary reference cited in the Office Action, Remillard, fails to recite that the communication between the user and a remote third party is triggered by the existing set-top-box. Rather, Remillard teaches an electronic device 20 that is connected to the television and to a host computer 30. In the Office Action, the Examiner has equated electronic device 20 with the set-top-box of the present application. However, it is clear from Remillard that electronic device 20 is not the existing set-top-box, as recited in the present claims, but rather an add-on device to an existing digital television system. For example, Remillard teaches that electronic device 20 communicates with host computer 30 via a communication medium 32 that is in the form of a telephone network, a closed circuit cable or a cellular telephone (see, Fig. 1 and col. 4, lines 36-44). Thus, unlike the claimed invention in which client software runs on the existing set-top-box, there is no need for special hardware at the home. Moreover, since the claimed invention runs on the existing set-top-box, there is no need for an additional phone line or other communication line feed, as required by Remillard. There is no teaching in Remillard that would remotely suggest that the electronic device 20 receives digital television services, as required in all of the independent claims

As is apparent, there are substantial differences between the presently claimed invention and Remillard. Moreover, the claimed invention provides substantial advantages relative to the

Remillard system. Specifically, with the claimed invention, the existing set-top-box for a digital television can be used, obviating the need for an additional device or an additional communication line.

The two secondary references cited in the Office Action, Dugan and Merwin, do not remedy the deficiencies of Remillard relative to the present claims. The Dugan reference was cited for its teaching of speech-to-text software. Merwin was cited for its teaching of a system for recording a voice message as an electronic file. Assuming *arguendo* that Dugan and Merwin teach the features identified in the Office Action, these references fail to teach or remotely suggest the set-top-box recited in the present claims. Consequently, Remillard, Dugan and Merwin taken alone, or in any reasonable combination, fail to teach or suggest the presently claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/917,760

Q64010

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